

WOOD, HERRON & EVANS, L.L.P.

BRUCE TITTEL
 DONALD F. FREI
 DAVID J. JOSEPHIC
 DAVID S. STALLARD
 J. ROBERT CHAMBERS
 GREGORY J. LUNN
 KURT L. GROSSMAN
 CLEMENT H. LUKEN, JR.
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 GREGORY F. AHNRENS
 WAYNE L. JACOBS
 KURT A. SUMME
 KEVIN G. ROONEY
 KEITH R. HAUPT
 THEODORE R. REMAKLUS
 THOMAS W. HUMPHREY
 SCOTT A. STINEBRUNER
 DAVID H. BRINKMAN
 BEVERLY A. LYMAN, PH.D.
 KRISTI L. DAVIDSON

OF COUNSEL
 JOHN D. POFFENBERGER
 THOMAS W. FLYNN

2700 CAREW TOWER
 441 VINE STREET
 CINCINNATI, OHIO 45202-2917
 TELEPHONE: 513-241-2324
 FACSIMILE: 513-241-6234
 EMAIL: info@whepatent.com
 PATENT, TRADEMARK, COPYRIGHT
 AND UNFAIR COMPETITION LAW
 AND RELATED LITIGATION

EDMUND P. WOOD	1923-1968
TRUMAN A. HERRON	1935-1976
EDWARD B. EVANS	1936-1971

JOSEPH R. JORDAN
 C. RICHARD EBY
 DAVID E. PRITCHARD
 J. DWIGHT POFFENBERGER, JR.
 KATHRYN E. SMITH
 P. ANDREW BLATT, PH.D.
 DAVID E. JEFFERIES
 WILLIAM R. ALLEN, PH.D.
 JOHN PAUL DAVIS
 DOUGLAS A. SCHOLER
 BRETT A. SCHATZ
 DAVID W. DORTON
 SARAH OTTE GRABER
 STEVEN W. BENINTENDI, PH.D.
 RANDALL S. JACKSON, JR.
 TECHNICAL ADVISORS
 HENRY M. LABODA, PH.D.

February 10, 2005

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To: The Honorable Commissioner for Patents
 Mail Stop Petition

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22213-1450

Fax: 703-872-9306

Enclosures:
 Fax Cover Sheet containing Certificate of Facsimile
 Transmission and Authorization to Charge
 Deposit Account 23-3000 in the amount of
\$200.00 for the Petition Fee (1 page)
 Petition to Correct Patent Term Adjustment Under
 37 C.F.R. § 1.705(b) (1 page)

From: Scott A. Stinebruner
 Reg. No. 38,323

Re: U.S. Patent Application
 Serial No. 09/775,002
 Filed: February 1, 2001
 Allowed: January 7, 2005
 Applicant: Ron Joseph
 Art Unit: 3625
 Confirmation No.: 7478
 Our Ref: SWAP/03

Pages: 4 (including cover sheet)

MESSAGE/COMMENTS OFFICIAL

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I hereby certify that this correspondence (4 pages, including cover sheet) is being transmitted via facsimile to The Honorable Commissioner in the United States Patent and Trademark Office, to the centralized facsimile number at (703) 872-9306 on February 10, 2005.

Judith L. Volk
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February 10, 2005
 Date

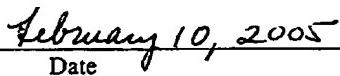
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PATENTAtt'y Docket No. SWAP/03/124
Confirmation No. 7478**CERTIFICATE OF FACSIMILE TRANSMISSION**

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Judith L. Volk



Date

FEB 10 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Ron Joseph	Art Unit:	3625
Serial No.:	09/775,002	Examiner:	Matthew S. Gart
Filed :	February 1, 2001		
Allowed:	January 7, 2005		
For :	METHOD, APPARATUS AND PROGRAM PRODUCT FOR FACILITATING TRANSFER OF VEHICLE LEASES (As Amended)		

Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

PETITION TO CORRECT PATENT TERM ADJUSTMENT**UNDER 37 C.F.R. §1.705(b)**

Responsive to the Patent Term Adjustment under 35 U.S.C. §154(b) mailed with the Notice of Allowance dated January 7, 2005, Applicant herein requests correction of the Adjustment of Patent Term for the above-referenced application under 37 C.F.R. §1.181 and §1.705(b).

Applicant respectfully disagrees that the Patent Term Adjustment is two hundred and fifty eight (258) days. Applicant believes the correct amount for the Patent Term Adjustment is four hundred and two (402) days, as determined under 37 C.F.R. §1.702 and for the following reasons. The relevant dates as specified in §1.703(a)-(e) for which adjustment is sought include

Applicant's timely mailing of an Appeal Brief on April 21, 2004 that was received by the Office on April 26, 2004 and the mailing of a Notice of Allowance on January 7, 2005. The Patent and Trademark Office's delay of one hundred thirty-four (134) days before mailing a Notice of Allowance calculated by the Patent and Trademark Office is correct. However, the computer calculated a delay of one hundred and forty-four (144) days by Applicant as a result of the filing of a Request for Continued Examination (RCE) and submissions (including an Amendment and Response and an Information Disclosure Statement) on September 17, 2004.

Applicant is required under §1.704(b) to respond to an Action making a rejection within three months after the date of mailing of the Office communication, with which Applicant complied by the timely filing of the Appeal Brief. Since the filing of the RCE was not responsive to any further communication from the Patent Office for which a time period was set but was merely submitted in follow-up to the Appeal Brief and in response to a request by the Examiner made in a telephonic interview between the Examiner and Applicant's undersigned representative on September 17, 2004, the Applicant was not required to respond to any Action. The current procedures for calculation of the Patent Term Adjustment do not take into account such matters. This is an unfortunate oversight that resulted in Applicant being charged with an additional failure to engage in reasonable efforts to conclude processing or examination. In this application, however, Applicant agrees that there were two delays on Applicant's part constituting a failure to engage in reasonable efforts to conclude examination of the application as set forth in §1.704 correctly calculated by the Patent and Trademark Office, namely, a twenty-nine (29) day delay by Applicant in responding to the non-final Office Action of March 26, 2003, and a sixty-two (62) day delay by Applicant for filing a response to the Final Rejection of

September 23, 2003, for a total delay of ninety-one (91) days on the part of Applicant. The Patent and Trademark Office also correctly calculated a PTO delay that included the filing of the application on February 1, 2001 and the mailing of a first Action on March 26, 2003, which resulted in an examination delay of three hundred and fifty-nine (359) days. Thus, Applicant respectfully requests correction of the Patent Term Adjustment to reflect a Patent and Trademark Office delay of four hundred and ninety-three (493) days and an Applicant's delay of ninety-one (91) days, for a total Patent Term Adjustment of four hundred and two (402) days less any additional days for Applicant's filing of a Response Under 37 C.F.R. 1.312 Amendment on February 2, 2005.

This patent is not subject to a terminal disclaimer.

Applicant believes a fee is due in the amount of \$200.00 as set forth in 37 C.F.R. §1.18(e) and requests that said fee be charged to Deposit Account No. 23-3000. If any additional charges or credits are necessary to complete this communication, please also apply them to Deposit Account No. 23-3000.

Respectfully submitted,

10 FEB 2005

Date



Scott A. Stinebruner
Reg. No. 38,323

WOOD, HERRON & EVANS, L.L.P.
2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202
Telephone: (513) 241-2324
Facsimile: (513) 241-6234
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